

HCS HB 762 -- SUNSHINE LAW

SPONSOR: Higdon

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Public Safety and Emergency Preparedness by a vote of 8 to 1. Voted "Do Pass with HCS" by the Select Committee on State and Local Governments by a vote of 10 to 0.

This bill prohibits any law enforcement agency from being required to provide mobile video recorders, as defined in the bill, to officers employed by the agency or the state from requiring any peace officer to wear a recorder. A law enforcement agency is authorized to close records consisting of data from mobile video recorders with specified exceptions.

Any person may bring an action in the circuit court having jurisdiction to authorize disclosure of data in the possession of a law enforcement from a mobile video recorder which would otherwise be closed under the Open Meetings and Records Law, commonly known as the Sunshine Law. The court may order that all or part of the data from a mobile video recorder be released to the person bringing the action as specified in the bill. The court may find that the party seeking disclosure of the data must bear its reasonable and necessary costs and attorney fees unless the court finds that the decision of the law enforcement agency not to open the data was substantially unjustified under all relevant circumstances, in which case the court must assess the costs and attorney fees to the law enforcement agency.

PROPONENTS: Supporters say that they support law enforcement's use of body cameras and want policies and procedures in place to protect the privacy rights of civilians and the investigative tools of law enforcement.

Testifying for the bill were Representative Higdon; Missouri State Fraternal Order of Police; and Missouri Police Chiefs Association.

OPPONENTS: Those who oppose the bill say that body cameras are needed for open government and transparency. Those who oppose the bill would rather see privacy concerns protected through policy changes rather than the Sunshine Law.

Testifying against the bill were ACLU Of Missouri; John Chasnoff, Drone Free St. Louis; and Missouri Press Association.

OTHERS: Others testifying on the bill say that this should be the start of the discussion regarding the footage from law enforcement body cameras.

Testifying on the bill was Mark Gordon.